

TAB 3

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: 10/01/03

Agenda Item No. _____

- ☐ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

☐ RESOLUTION☐ DISCUSSION☒ ORDINANCE ON FIRST READING☐ BID/RFP AWARD☐ GENERAL APPROVAL OF ITEM☐ CONSENT AGENDA☐ Other:

SUBJECT: Ordinance to provide for a requirement that walls and fences be constructed to present the finished side to the adjoining lot or right-of-way.

RECOMMENDED MOTION/ACTION: Adoption of Ordinance.

Approved by Town Manager

Date: 9/22/03

Originating Department: Town Attorney	Costs: \$ Funding Source: Acct. #	
Department Review: <input checked="" type="checkbox"/> City Attorney <u>2483</u> <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Department <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	Finance Director Approval: 	Attachments:

Summary Explanation/Background:

ORDINANCE NO. 16-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 32, ARTICLE IV, SECTION 32-67 PERTAINING TO WALLS AND FENCES IN RESIDENTIAL AREAS; PROVIDING A REQUIREMENT THAT ALL FENCES AND WALLS MUST BE CONSTRUCTED TO PRESENT THE FINISHED SIDE OF THE WALL OR FENCE TO THE ADJOINING LOT OR ABUTTING RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park has adopted a comprehensive plan which has been determined by the Department of Community Affairs to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to adopt specific and detailed land development regulations to implement their adopted comprehensive plans; and

WHEREAS, Objective ____ and the related policies of the Future Land Use Element of the Town's Comprehensive Plan, requires land development regulations be prepared to implement all provisions of the Comprehensive Plan; and

WHEREAS, the Town has previously adopted land development regulations in Chapter 7 of the Town Code to address the appearance and maintenance of the exterior walls of buildings and structures; and

WHEREAS, those standards require clarification so that they may be effectively implemented, administered and enforced, and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed

amendments to Section 7-102(n) of the Town Code and has made its recommendations to the Town Commission; and

WHEREAS, the Town Commission, deems it to be in the best interest of the public to amend Section 7-102(n) of the Town Code to better implement and encourage the proper maintenance of buildings and structures within the Town; to protect the character of the neighborhoods of the Town; to preserve property values; and to clarify the Town's enforcement and implementation.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 2, Article III, Section 2-85 (d) of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

(d) *Fine reduction.* The compliance board and the special master may reduce, compromise, settle, satisfy or release a fine imposed pursuant to this section, specifically including fines which have been recorded in the public records and have lien status.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption.

Upon First Reading this 1st day of October, 2003, the foregoing ORDINANCE was offered by Commissioner _____ who moved its approval. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

AYE

NAY

MAYOR PAUL CASTRO
VICE MAYOR CHUCK BALIUS
COMMISSIONER PAUL GARRETSON
COMMISSIONER JEANINE LONGTIN
COMMISSIONER BILL OTTERSON

Upon Second Reading this 15th day of October, 2003, the foregoing ORDINANCE was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

AYE

NAY

MAYOR PAUL CASTRO
VICE MAYOR CHUCK BALIUS
COMMISSIONER PAUL GARRETSON
COMMISSIONER JEANINE LONGTIN
COMMISSIONER BILL OTTERSON

The Mayor thereupon declared Ordinance No.16-2003 duly passed and adopted this 16th day of October, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:

Carol Simpkins, Town Clerk
(Town Seal)

Thomas J. Baird, Town Attorney